

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



Notice of Groundwater Conservation District Creation Report Completion and Availability

August 12, 2010

The Executive Director of the Texas Commission on Environmental Quality (Commission) gives notice of the completion, recommended action, and availability of the Groundwater Conservation District (GCD) creation report titled *Groundwater Conservation District Recommendation for Hill Country Priority Groundwater Management Area, Western Comal County and Southwestern Travis County*. This notice is to announce the completion and availability of the final report. In the report, the Executive Director concludes and recommends that the most feasible and practicable solution would be for the Commission to issue an order to create a GCD in the Hill Country Priority Groundwater Management Area (PGMA) with boundaries that include the western Comal County territory, the southwestern Travis County territory, and the portion of the Hill Country PGMA in Hays County that is presently the Hays Trinity GCD. The report was filed with the Chief Clerk of the Commission on July 30, 2010 (Docket No. 2010-1940-MIS). The matter will be referred to the State Office of Administrative Hearings (SOAH) for a public hearing to be scheduled at a later date. Notice of the SOAH hearing will be published in at least one newspaper with general circulation in the area and mailed to stakeholders at least 30 days before the date chosen for the hearing.

EXECUTIVE SUMMARY OF REPORT

Recognizing the groundwater supply limitations of the Trinity aquifer, the Texas Water Commission designated the Hill Country Priority Groundwater Management Area in June 1990 to include Bandera, Blanco, Gillespie, Kendall, and Kerr counties; and parts of Comal, Hays, and Travis counties. In 2001, the Commission added the Trinity aquifer outcrop portion of northern Bexar County to the Hill Country PGMA. To date, groundwater conservation districts are established in all of the Hill Country PGMA counties except for the western Comal and southwestern Travis territories. Local efforts to establish a GCD for the western Comal territory were defeated by the voters in 1995 and 2001, and no formal efforts to establish a GCD for the southwestern Travis territory have succeeded.

In accordance with Texas Water Code, Chapters 35 and 36, and Title 30 Texas Administrative Code, §§293.19(b) and 294.44, the Executive Director respectfully petitions the Texas Commission on Environmental Quality for actions to establish groundwater management in the Hill Country PGMA territories that have not created a GCD or joined an existing GCD. The purpose of this report is to identify and evaluate the areas in the Hill Country PGMA not included in a GCD and evaluate and recommend whether one or more GCDs be created, whether the identified areas be added to an existing GCD, or whether a combination of these actions be taken.

There are several GCD creation options for the Hill Country PGMA. The Executive Director concludes that creating a new western Comal territory GCD and new southwestern Travis territory GCD, or creating a noncontiguous Comal and Travis territories GCD would not establish district boundaries that provide effective management of the Trinity aquifer. These options would require voter-approved tax revenue to

finance GCD operations and maintenance, a proposition that has been twice defeated in the Comal territory. The Hays Trinity GCD is the most logical option for adding both of the non-GCD territories to an existing district. However, under the Hays Trinity GCD's present authority, the Executive Director concludes that adding the two territories neither provides for effective management of the groundwater resources, nor adequate funding to manage the groundwater resources. The Executive Director concludes that adding the western Comal County territory to the Trinity Glen Rose GCD and the southwestern Travis County territory to the Barton Springs/Edwards Aquifer Conservation District (BS/EACD) would provide for effective boundaries for the management of the groundwater resources and adequate funding to finance required or authorized groundwater management planning, regulatory, and district operation functions under the authorities of the existing GCDs. However, the Trinity Glen Rose GCD does not support adding the western Comal territory at this time and the BS/EACD does not support adding all of the southwestern Travis territory.

The Executive Director concludes and recommends that the most feasible and practicable solution would be for the Commission to issue an order to create a groundwater conservation district in the Hill Country PGMA with boundaries that include the western Comal County territory, the southwestern Travis County territory, and the portion of the Hill Country PGMA in Hays County that is presently the Hays Trinity GCD. This recommended action provides for the most effective boundaries for the management of the groundwater resources under the authorities provided in Water Code, Chapter 36, and adequate funding to finance required or authorized groundwater management planning, regulatory, and district operation functions under Texas Water Code, Chapter 36. The commissioners courts of Bexar, Comal, Hays, and Travis counties have filed resolutions supporting the creation of a new multi-county GCD for the Trinity aquifer in the Hill Country PGMA.

REPORT AVAILABILITY

The Executive Director's report was filed with the Chief Clerk of the Commission, located at 12100 Park 35 Circle, Building F, Room 1104, Austin, Texas. The report is available for public inspection at the following county clerk office locations: 100 Dolorosa, # 104, San Antonio; 5501 Airport Blvd., Austin; 150 N. Seguin, Suite 101, New Braunfels; and 137 N. Guadalupe St., San Marcos. The report is available for inspection at the following public libraries: New Braunfels Public Library, 700 Common St., New Braunfels; San Marcos Public Library, 625 E. Hopkins St., San Marcos; Will Hampton Branch Library at Oak Hill, 5125 Convict Hill Road, Austin; and Twin Oaks Branch Library, 2301 S. Congress Ave., # 7, Austin. The report is also available for inspection at the following Groundwater Conservation Districts: Barton Springs/Edwards Aquifer Conservation District, 1124-A Regal Row, Austin; Blanco-Pedernales GCD, 601 W. Main, Johnson City; Cow Creek GCD, 216 Market Ave., Suite 105, Boerne; Central Texas GCD, 225 S. Pierce, Burnet; Edwards Aquifer Authority, 1615 N. Saint Mary's St., San Antonio; Hays Trinity GCD, Center Lake Business Park, 14101 Hwy 290 W., Bldg. 100, Suite 212, Austin; and Trinity Glen Rose GCD, 7550 West IH-10, Suite 800, San Antonio.

The **final** version of the report is also available for review on the Commission's web site at http://www.tceq.state.tx.us/permitting/water_supply/groundwater/pgma.html. Copies of the report may be obtained by contacting Mr. Leon Byrd at (512) 239-0540, by email at cbyrd@tceq.state.tx.us, or in writing to Mr. Leon Byrd, P.G., Texas Commission on Environmental Quality, Groundwater Planning and Assessment, MC 147, P.O. Box 13087, Austin, Texas 78711-3087.

Any questions or comments may be addressed to Mr. Ross Henderson, Staff Attorney, Environmental Law Division, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-6257.